

Rules by Subject Matter Interim Committee Recommendations

	Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
State Board of Election Commissioners				
Refer for Group Consideration				
Rules for Annual School Elections in Even Numbered Year				ID#: 10693
Statutory Authority:	A.C.A. 7-7-201(b) and A.C.A. §7-4-101(f)(5)	04/12/2018	07/02/2018	06/22/2018
<input type="checkbox"/> Required under State or Federal Law:	(none)			
Requirement Statement:	(none)			
Enforce:	The SBEC intends to retain this rule due to the important public interest it serves until such time the issues addressed by the rule are remedied by statutory change or constitutional amendment. This rule was designed to address issues created by Act 910 of 2017 which, in even numbered years, moved the annual school election to the same date as the preferential primary or the general election. This rule was promulgated under two grants of authority. The entire rule is promulgated under the SBEC's general authority to; "Formulate, adopt, and promulgate all necessary rules to assure... fair and orderly election procedures." A.C.A. §7-4-101(f)(5). In addition, the SBEC is empowered to adopt rules for the administration of the primary elections. A.C.A. 7-7-201. The SBEC exercised these powers in order to untangle the additional cost for the annual school election from the primary or general election and provide a structure under which the counties are able to seek reimbursement and the school districts can assert the cap above which the districts are not required to pay election expenses. The rule also provided for the transfer of candidate filing information to the counties required to place candidates on the ballot and transfer of election results to the counties required to determine the winner of a school election.			
Subject Matter Committee:	State Agencies & Governmental Affairs Committees			
Link to Rule Document:	http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/52/Rules/10693/Final/Rules for School Elections in Even Numbered Years FINAL-2018.pdf			
Rules for Appointment of Certified Election Monitors				ID#: 9324
Statutory Authority:	Ark. Code Ann. §7-4-101(f)(6)	06/19/2013	12/08/2013	10/09/2013 12/29/2015
<input checked="" type="checkbox"/> Required under State or Federal Law:	Ark. Code Ann. §7-4-101(f)(6)			
Requirement Statement:	The SBEC is required to appoint certified election monitors if the Board determines such an appointment is necessary. Ark. Code Ann. §7-4-101(6). The nature of this process requires that procedures be established so that all parties know the process by which a request for an election monitor will be handled, establish the certification requirements for such monitors, and provide for the compensation and expense reimbursement for certified monitors. These procedures will qualify as a rule because they implement, interpret, or prescribe law or policy as well as describes the procedure, or practice of the SBEC.			
Enforce:	The rule is necessary for SBEC to be in compliance with state law. The SBEC is required to certify election monitors and empowered to appoint certified monitors to observe elections under certain circumstances. A.C.A. §7-4-101(f)(6). Because policies and procedures necessary for the certification and appointment of election monitors would fall within the definition of a rule under the administrative procedures act, the SBEC is required to maintain a rule to conduct this legally required function.			
Subject Matter Committee:	State Agencies & Governmental Affairs Committees			
Link to Rule Document:	http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/52/Rules/9324/Final/FINAL_Rules for Appointment of Certified Election Monitors_20151215.pdf			
Rules for County Election Commissioner Training				ID#: 9322
Statutory Authority:	Ark. Code Ann. §7-4-101(f)(3)	10/19/2005	12/05/2005	11/18/2005 12/29/2015
<input checked="" type="checkbox"/> Required under State or Federal Law:	Ark. Code Ann. §7-4-101(f)(2)-(3); Ark. Code Ann. §7-4-109(e)			
Requirement Statement:	The SBEC is required by law to train county election commissioners. See Ark. Code Ann. §7-4-109(e). The requirements and procedures for this training constitute statement of general applicability and future effect that implements, interprets, or prescribes law or policy as well as describes the procedure, or practice of the SBEC. Therefore, the requirements relating to the training programs must be promulgated as rules.			
Enforce:	The rule is necessary for SBEC to be in compliance with state law. The purpose of this rule is to establish procedures and requirements for the training of county election commissioners. All county election commissioners are required to be trained by the SBEC at the beginning of each two-year election cycle. See, A.C.A. §7-4-109(e). The SBEC is specifically authorized to promulgate rules regarding the training of election officials. A.C.A. §7-4-101(f)(2)-(3).			
Subject Matter Committee:	State Agencies & Governmental Affairs Committees			
Link to Rule Document:	http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/52/Rules/9322/Final/FINAL_CBEC Training_20151215.pdf			

Rules by Subject Matter Interim Committee Recommendations

	Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
Rules for Help America Vote Act Administrative Complaint Procedure				ID#: 9319
Statutory Authority:	Ark. Code Ann. 7-4-101(f)(8)	06/25/2003	07/10/2003	06/30/2003
<input checked="" type="checkbox"/> Required under State or Federal Law:	Help America Vote Act of 2002, PL 107-252 and 116 stat. 1666 (2002) codified as 52 United State Code 21112			
Requirement Statement:	Federal Law required that each state receiving a payment under the Help America Vote Act “establish and maintain State-based administrative complaint procedures” to enforce the Act. 52 United State Code 21112(a). Arkansas did receive funds under HAVA. This rule is the Arkansas version of the federally required complaint procedures.			
Enforce:	This rule is required by Federal and State law. The Help America Vote Act requires states to establish an administrative process by which voters may allege Title III of the Act has been violated. 52 U.S.C. §21112. The SBEC is explicitly authorized by state law to promulgate rules for this purpose under A.C.A. §7-4-101(f)(8).			
Subject Matter Committee:	State Agencies & Governmental Affairs Committees			
Link to Rule Document:	http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/52/Rules/9319/Final/HAVA_Complaint_Rules.pdf			
Rules for Nonpartisan Office Filing Fees				ID#: 9316
Statutory Authority:	Ark. Code Ann. §§7-4-101(f)(5), 7-10-103(b)	01/16/2002	02/17/2002	12/07/2017 12/29/2015
<input checked="" type="checkbox"/> Required under State or Federal Law:	Ark. Code Ann. §7-10-103			
Requirement Statement:	The State Board of Election Commissioners is required to establish reasonable filing fees for nonpartisan offices pursuant to §7-10-103. Because the establishment of filing fees constitutes a statement of general applicability and future effect that prescribes law ore policy, the fee schedule was established by the promulgation of a rule.			
Enforce:	The rule is necessary for SBEC to be in compliance with state law. The purpose of this rule is to establish filing fees for nonpartisan offices, as required by law. See, A.C.A. §7-10-103(b). Certain procedures regarding the nonpartisan filing are also included in the rule; however, these are merely a restatement of statutory law. The SBEC has a general authority to; “Formulate, adopt, and promulgate all necessary rules to assure even and consistent application of voter registration laws and fair and orderly election procedures.” A.C.A. §7-4-101(f)(5). In addition, statutory requirement that the SBEC establish filing fees for nonpartisan offices which constitutes a requirement that the board make a statement of general applicability and future effect that implements and proscribes law. See, A.C.A. §25-15-202. Consequently, the establishment of a filing fee constitutes a rule subject to the Administrative Procedures Act.			
Subject Matter Committee:	State Agencies & Governmental Affairs Committees			
Link to Rule Document:	http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/52/Rules/9316/Final/FINAL_Rules_for_Nonpartisan_Office_Filing_Fees_with_comments_20151215.pdf			
Rules for Poll Worker & County Clerk Training				ID#: 9317
Statutory Authority:	Ark. Code Ann. §7-4-101(f)(3)	02/21/2002	03/17/2002	03/07/2002 12/29/2015
<input checked="" type="checkbox"/> Required under State or Federal Law:	Ark. Code Ann. §7-4-101(f)(2)-(3); Ark. Code Ann. §7-4-109(e)			
Requirement Statement:	The SBEC is required by law to train certain election officials. See Ark. Code Ann. §7-4-109(e). The requirements and procedures for this training constitute statement of general applicability and future effect that implements, interprets, or prescribes law or policy as well as describes the procedure, or practice of the SBEC. Therefore, the requirements relating to the training programs must be promulgated as rules.			
Enforce:	The rule is necessary for SBEC to be in compliance with state law. The purpose of this rule is to establish procedures and requirements for the training of poll workers and early voting election officials for Arkansas’s elections. This is done by the training and certifying of individuals in each county who are then authorized to train the local election officials using a curriculum developed and approved by the SBEC. All election officials are required to complete training coordinated by the SBEC before they are allowed to serve as a poll worker or an early voting election official. See, A.C.A. §7-4-109(e). The SBEC is specifically authorized to promulgate rules regarding the training of election officials. A.C.A. §7-4-101(f)(2)-(3).			
Subject Matter Committee:	State Agencies & Governmental Affairs Committees			
Link to Rule Document:	http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/52/Rules/9317/Final/FINAL_Rules_for_Poll_Worker_&_County_Clerk_Training_with_Comments_20151215.pdf			

Rules by Subject Matter Interim Committee Recommendations

	Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
Rules for Reimbursement of Expenses for State-Funded Elections				ID#: 9320
Statutory Authority:	Ark. Code Ann. §7-7-201(b)(2) and Ark. Code Ann. §7-4-101(f)(5)-(11)	12/17/2003	02/06/2004	01/28/2004
<input checked="" type="checkbox"/> Required under State or Federal Law:	Ark. Code Ann. 7-7-201(b)(2)			12/29/2015
Requirement Statement:	The SBEC is required to reimburse counties for certain elections, the expense of which are billable to the State. The procedures under which counties apply for this reimbursement and the SBEC distributes those funds are statement of general applicability and future effect that implements, interprets, or prescribes law or policy as well as describes the procedure, or practice of the SBEC. Consequently, the SBEC exercised its explicit authority under Ark. Code Ann. 7-7-201(b)(2) to promulgate these procedures and requirements as rules.			
Enforce:	The rule is necessary for SBEC to be in compliance with state law. The SBEC is required to bear the cost of a political party's primaries under A.C.A. §7-7-201. This reimbursement authority is extended to include the general nonpartisan election, which is held with the preferential primary, and statewide special elections. A.C.A. §7-4-101(f)(11). Procedures related to these functions of the SBEC fall within the definition of rules under the administrative procedures act and are, therefore, required to be promulgated. The SBEC is specifically authorized to promulgate rules regarding the administration of primary elections. A.C.A. §7-7-201. Furthermore, regarding elections other than primaries, the rule is necessary to ensure fair and orderly election procedures. A.C.A. §7-4-101(f)(5).			
Subject Matter Committee:	State Agencies & Governmental Affairs Committees			
Link to Rule Document:	http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/52/Rules/9320/Final/FINAL_Rules for Reimbursement of Election Expenses for State Funded Elections_20151215.pdf			
Rules for the Verification of Voter Registration				ID#: 10696
Statutory Authority:	A.C.A. §7-4-101(f)(5)	06/21/2017	10/28/2017	10/18/2017
<input type="checkbox"/> Required under State or Federal Law:	(none)			
Requirement Statement:	(none)			
Enforce:	The SBEC intends to retain this rule due to the important public interest it serves. This rule is promulgated under the SBEC's general authority to; "Formulate, adopt, and promulgate all necessary rules to assure even and consistent application of voter registration laws and fair and orderly election procedures." A.C.A. §7-4-101(f)(5). This rule was promulgated following the passage of Act 633 which requires most Arkansas voters to verify their voter registration with a photo ID. The rule establishes necessary procedures related to that requirement in addition to restating statutory requirements related to these procedures.			
Subject Matter Committee:	State Agencies & Governmental Affairs Committees			
Link to Rule Document:	http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/52/Rules/10696/Final/Verification of Reg. Rule FINAL.pdf			
Rules for Voter Intent				ID#: 9318
Statutory Authority:	Ark. Code Ann. 7-4-101(f)(5)	02/21/2002	04/14/2002	04/04/2002
<input type="checkbox"/> Required under State or Federal Law:	(none)			12/29/2015
Requirement Statement:	(none)			
Enforce:	The SBEC intends to retain this rule due to the important public interest it serves. This rule was promulgated in response to the problems experienced in the State of Florida regarding voter's intent in the 2000 General Election. The rule provides clear instructions which govern when a voter marks his or her ballot in such a way to make that voter's intent unclear. It also ensures that the same question of a voter's intent will be resolved consistently across the 75 counties. This rule is promulgated under the SBEC's general authority to; "Formulate, adopt, and promulgate all necessary rules to assure... fair and orderly election procedures." A.C.A. §7-4-101(f)(5). The SBEC has concluded these rules are necessary to ensure fair elections.			
Subject Matter Committee:	State Agencies & Governmental Affairs Committees			
Link to Rule Document:	http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/52/Rules/9318/Final/FINAL_Voter Intent_20151215.pdf			

Rules by Subject Matter Interim Committee Recommendations

	Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
Rules of Practice and Procedure				ID#: 9325
Statutory Authority:	Ark. Code Ann. §§25-15-203, 25-15-206	10/30/2015	12/29/2015	12/18/2015
<input checked="" type="checkbox"/> Required under State or Federal Law:	Ark. Code Ann. §§25-15-203, 25-15-206			
Requirement Statement:	This rule is designed to satisfy provisions of the Administrative Procedures Act which require that all state agencies adopt rules which describe the organization, state the general course and method of its operations including the methods whereby the public may obtain information or make submissions or requests, and establish rules of practice setting forth the nature and requirements of all formal and informal procedures available, including a description of all forms and instructions used by the agency. The Act also requires the promulgation of a rule which provides for the filing and prompt disposition of petitions for declaratory orders as to the applicability of any rule, statute, or order enforced by it.			
Enforce:	The rule is necessary for SBEC to be in compliance with state law. The Administrative Procedures Act requires state agencies to promulgate a rule setting forth a general description of the agency, stating the general course and method of the agency's operation, and the nature and requirements of the agency's formal and informal procedures. A.C.A. §25-15-203. Agencies are also required to promulgate a rule establishing a procedure for the filing of petitions for declaratory orders and the resolution of such a petition. A.C.A. §25-15-206. This rule satisfies both requirements for the SBEC.			
Subject Matter Committee:	State Agencies & Governmental Affairs Committees			
Link to Rule Document:	http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/52/Rules/9325/Final/FINAL_Practices_and_Procedures_Rules_Revised_20151215.pdf			
Rules of Procedure for Citizen Complaints Regarding Violations of State Election and Voter Registration Laws				ID#: 9321
Statutory Authority:	Ark. Code Ann. §§ 7-4-101(f)(5), 7-4-101(f)(9), 7-4-120(h)	12/17/2003	02/06/2004	01/28/2004 10/28/2017
<input checked="" type="checkbox"/> Required under State or Federal Law:	Ark. Code Ann. §§ 7-4-101(f)(9) and 7-4-120(h)(1)			
Requirement Statement:	The SBEC is required to investigate alleged violations of election or voter registration law so long as those complaints are filed within a given jurisdictional window. Ark. Code Ann. §7-4-120. The governing section explicitly requires the SBEC to promulgate rules concerning the imposition of fines under this section. Ark. Code Ann. §7-4-120(h)(1). In addition, the conducting of such an investigation necessitates that procedures be established so that all parties know the process by which the complaint will be handled and ensure that all complaints are handled in the same way. These procedures will qualify as a rule because they implement, interpret, or prescribe law or policy as well as describe the procedure, or practice of the SBEC.			
Enforce:	The rule is necessary for SBEC to be in compliance with state law. The SBEC is required by law to investigate allegations that election or voter registration laws have been violated. Given the definition of rule under the A.C.A. §25-15-202(9), the procedures for such investigations are required to be promulgated as rules pursuant to the administrative procedures act. Furthermore, the SBEC is required to promulgate rules for the imposition of fines under the section requiring the SBEC to investigate alleged violations of law. A.C.A. §7-4-120(h)(1). These rules are also necessary to assure even and consistent application of voter registration laws and fair and orderly election procedures and, therefore, are authorized under A.C.A. §7-4-101(f)(5).			
Subject Matter Committee:	State Agencies & Governmental Affairs Committees			
Link to Rule Document:	http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/52/Rules/9321/Final/FINAL_Complaint_Rules_2017.pdf			
Rules on Poll Watchers, Vote Challenges, and Provisional Voting				ID#: 9323
Statutory Authority:	Ark. Code Ann. §7-4-101(f)(5); Ark. Const. Amend. 51 §13(b)(7).	03/02/2006	04/22/2006	04/11/2006 10/28/2017
<input checked="" type="checkbox"/> Required under State or Federal Law:	Ark. Const. Amend. 51 §13(b)(7)			
Requirement Statement:	Amendment 51 states that the SBEC "shall promulgate rules necessary to implement subsection (b) of this section including without limitation the preparation of a sworn statement to be used by voters who cast a provisional ballot under subsection (b) of this section." Subsection (b) establishes a system by which voters will verify their voter registration by providing photo identification and make available certain exceptions to this requirement. This rule is designed to implement Ark. Const. Amend. 51 §13(b) with respect to the portions of this section that have to do with provisional voting. Portions of the rule not having to do with provisional voting due to the failure to verify voter registration are not required by law but promulgated pursuant to Ark. Code Ann. §7-4-101(f)(5) as procedures necessary for orderly elections.			
Enforce:	The rule is necessary for SBEC to be in compliance with state law. This rule is promulgated under the SBEC's general authority to: "Formulate, adopt, and promulgate all necessary rules to assure even and consistent application of voter registration laws and fair and orderly election procedures." A.C.A. §7-4-101(f)(5). The rule provides procedures and further explanation for provisional voting and poll watchers. These issues are related and included in the same rule because a poll watcher has the authority to require a voter to cast a provisional ballot. In addition, this rule was amended when the SBEC was required by the constitution to promulgate a rule regarding provisional voting due to the failure to verify one's voter registration with a photo ID. See, Ark. Const. Amend. 51 §13(b).			
Subject Matter Committee:	State Agencies & Governmental Affairs Committees			
Link to Rule Document:	http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/52/Rules/9323/Final/2017_Changes_to_Provisional_Voting_Rules_Permanent_FINAL_Clean.pdf			